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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,831	03/31/2004	Dan Zhang	CS23995RL	6501
20280 7590 06/25/2008 MOTOROLA INC 600 NORTH US HIGHWAY 45 W4 - 39Q LIBERTYVILLE, IL 60048-5343			EXAMINER HERRERA, DIEGO D	
			ART UNIT 2617	PAPER NUMBER
			NOTIFICATION DATE 06/25/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/814,831

Applicant(s)

ZHANG ET AL.

Examiner

DIEGO HERRERA

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Claim 14 has been cancelled.

Response to Arguments

Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-13, and 15-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Misra et al. (US 20040022209A1).

Regarding claim 1. Misra et al. discloses a method in a wireless communications device (¶: 8, Misra et al. teaches mobile system and wireless communications network), the method comprising:
pre-empting an active packet session with an event (¶: 3, 10, 18-19; abstract, title, Misra et al. teaches packet session related with an event);
suspending operation of a dormancy timer initiated upon pre-emption of the active packet session (¶: 20, Misra et al. teaches suspending packet data session when MSC

sends a Prevent Race Condition message to the mobile);
re-starting the suspended dormancy timer upon completion of either a service or application associated with the event pre-empting the active packet session (§: 21, Misra et al. teaches mobile devices receiving MSC message to start record message from PDSN indicating to start of a packet data call, hence, continuing the packet data session to mobile device).

Regarding claim 7. Misra et al. discloses a method in a wireless communications device (§: 8, Misra et al. teaches mobile system and wireless communications network), the method comprising:

pre-empting an active packet session with an event (§: 3, 10, 18-19; abstract, title, Misra et al. teaches packet session related with an event);

suspending initiation of a dormancy timer that would otherwise be initiated after pre-emption of the packet session (§: 20, Misra et al. teaches suspending packet data session when MSC sends a Prevent Race Condition message to the mobile);

initiating the suspended dormancy timer upon completion of either a service or application associated with the event pre-empting the active packet session (§: 21, Misra et al. teaches mobile devices receiving MSC message to start record message from PDSN indicating to start of a packet data call, hence, continuing the packet data session to mobile device).

Regarding claim 13. Misra et al. teaches a method in a wireless communications device (§: 8, Misra et al. teaches mobile system and wireless communications network), the method comprising:

receiving a network control message (¶: 18-19, Misra et al. teaches mobile station receiving pages from MSC);

suspending an active packet session of the wireless communication device in response to receiving the network control message (¶: 20, Misra et al. teaches suspending packet data session when MSC sends a Prevent Race Condition message to the mobile);
suspending a dormancy timer after receiving the network control message (¶: 21, Misra et al. teaches mobile devices receiving MSC message to start record message from PDSN indicating to start of a packet data call, hence, continuing the packet data session to mobile device).

Consider claim 2. The method of Claim 1, resuming the pre-empted packet session upon expiration of the dormancy timer after re-starting the dormancy timer (¶: 21, Misra et al. teaches restarting packet session).

Consider claim 3. The method of Claim 1, receiving a network control message with dormancy timer information before suspending the dormancy timer (¶: 20, Misra et al. teaches predetermined period of time being indicated in information sent to the mobile device from MSC).

Consider claim 4. The method of Claim 3, starting the dormancy timer after receiving the network control message (¶: 20, Misra et al. teaches predetermined period of time being indicated in information sent to the mobile device from MSC).

Consider claim 5. The method of Claim 1, pre-empting the active packet session with a pending voice call (abstract, title, ¶: 10-11, 15, 20; Misra et al. teaches having a voice call precedence over packet data method);

re-starting the suspended dormancy timer upon completion of the voice call associated with pre-empting the packet session (§ 21, Misra et al. teaches restarting packet session).

Consider claim 6. The method of Claim 5, receiving a page, conducting the voice call after receiving the page (§ 20, Misra et al. teaches decision making of starting voice call by user and/or system determined by predetermined settings).

Consider claim 8. The method of Claim 7, resuming the pre-empted packet session upon expiration of the dormancy timer initiated upon completion of the service or application associated with the event pre-empting the active packet session (§ 21, Misra et al. teaches restarting packet session).

Consider claim 9. The method of Claim 7, receiving a network control message with dormancy timer information before suspending the dormancy timer (§ 20, Misra et al. teaches predetermined period of time being indicated in information sent to the mobile device from MSC).

Consider claim 10. The method of Claim 9, starting the dormancy timer after receiving the network control message (§ 20, Misra et al. teaches suspending packet data session when MSC sends a Prevent Race Condition message to the mobile).

Consider claim 11. The method of Claim 7, pre-empting the active packet session with a pending voice call (abstract); re-starting the suspended dormancy timer upon completion of the voice call associated with pre-empting the packet session (§ 21, Misra et al. teaches restarting packet session).

Consider claim 12. The method of Claim 11, receiving a page, conducting the voice

call after receiving the page (abstract, ¶: 20, Misra et al. teaches suspending packet data session when MSC sends a Prevent Race Condition message to the mobile, hence, starting voice call session, while suspending data packet session).

Consider claim 15. The method of Claim 13, receiving a page after receiving the network control message, conducting a voice call after receiving the page, and resuming the suspended dormancy timer after completing the voice call (¶: 21, Misra et al. teaches restarting packet session after ending voice call).

Consider claim 16. The method of Claim 13, suspending the dormancy timer includes suspending initiation of the dormancy timer otherwise started upon suspending the active packet session (¶: 20, Misra et al. teaches suspending packet data session when MSC sends a Prevent Race Condition message to the mobile).

Consider claim 17. The method of Claim 13, suspending the dormancy timer includes suspending operation of a dormancy timer after the dormancy timer has started (¶: 20, Misra et al. teaches suspending packet data session when MSC sends a Prevent Race Condition message to the mobile device).

Consider claim 18. The method of Claim 13, starting the dormancy timer upon completion of an event precipitating the suspension of the active packet session (¶: 20, Misra et al. teaches suspending packet data session when MSC sends a Prevent Race Condition message to the mobile device).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DIEGO HERRERA whose telephone number is (571)272-0907. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Diego Herrera/
Examiner, Art Unit 2617

/Lester Kincaid/
Supervisory Patent Examiner, Art Unit 2617